



February 11, 2019

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Sent via U.S. Mail

Dear Secretary Pompeo:

Recent reporting revealed that the current administration is considering stronger vetting of Chinese students intending to study in the United States. As civil society organizations committed to educational and digital rights, we are concerned that this proposal would pose a significant threat to the free speech interests of both Chinese students and their American associates.

According to Reuters, among the new vetting procedures under review is the “check[ing] of student phone records and scouring of personal accounts on Chinese and U.S. social media platforms for anything that might raise concerns about students’ intentions in the United States, including affiliations with government organizations.”¹

We understand that this vetting proposal was made against the backdrop of rising concerns about the Chinese government’s alleged efforts to influence and interfere with political debate, or even engage in espionage, on American campuses.

Nevertheless, this kind of phone and social media surveillance would surely chill the speech of Chinese students, many who are already under strict surveillance in their home country. As the Wilson Center wrote, “Countermeasures should neither vilify PRC students as a group nor

¹ Patricia Zengerle & Matt Spetalnick, *Exclusive: Fearing espionage, U.S. weighs tighter rules on Chinese students*, REUTERS, Nov. 29, 2018, <https://www.reuters.com/article/us-usa-china-students-exclusive/exclusive-fearing-espionage-us-weighs-tighter-rules-on-chinese-students-idUSKCN1NY1HE>.

lose sight of the fact that these students, along with faculty members of Chinese descent, are often the victims of influence and interference activities. . . .”²

Prospective students may self-censor whom they talk to or what they say on social media out of fear that political discussion about China or the United States will harm their academic prospects—a result sharply at odds with our national commitment to academic freedom and free expression. Other international students wishing to study in the United States may similarly be chilled due to fear that these vetting procedures might one day be applied against them as well.

Additionally, monitoring the phone and social media activity of Chinese students also threatens the free speech rights of their American associates—whether family members, friends, or fellow students.


Finally, such a surveillance policy against foreign students may inspire other countries to do the same against American students studying abroad. A policy that we would not wish to see enforced against American students is not one that we should consider employing against foreign students planning to study here. Free societies are best served when we extend to others the protections we wish to preserve for ourselves.

One of the greatest benefits of higher education in the United States is the freedom it offers all students to research, question, and criticize without undue government intervention. Surveilling the phone records and social media posts of prospective students unduly denies this freedom.

We ask for clarification on how these proposed vetting practices relate to U.S. Customs and Border Protection’s new policy of collecting Chinese visa holders’ “social media identifiers.”³

Ultimately, we call on the administration to abandon reported plans, if accurate, to surveil Chinese students’ phone and social media records. Students planning to study in the United States should expect to enjoy the expressive freedoms we cherish.

Sincerely,



Sarah McLaughlin

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² Anastasya Lloyd-Damnjanovic, *A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education*, WILSON CTR, Aug. 2018, https://www.wilsoncenter.org/sites/default/files/prc_political_influence_full_report.pdf.

³ Agency Information Collection Activities: Electronic Visa Update System, 82 Fed. Reg. 11237 (Feb. 21, 2017) (codified at 8 C.F.R. § 215.24).



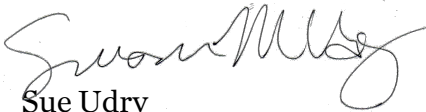
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